

**LEGISLATIVE SERVICES AGENCY  
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**FISCAL IMPACT STATEMENT**

**LS 7376**

**BILL NUMBER:** SB 239

**NOTE PREPARED:** Feb 12, 2009

**BILL AMENDED:** Feb 10, 2009

**SUBJECT:** Sex or Violent Offender Registration.

**FIRST AUTHOR:** Sen. Merritt

**FIRST SPONSOR:** Rep. Grubb

**BILL STATUS:** As Passed Senate

**FUNDS AFFECTED:** ☒ **GENERAL**  
☒ **DEDICATED**  
☐ **FEDERAL**

**IMPACT:** State & Local

**Summary of Legislation:** (Amended) This bill requires sex or violent offenders who are required to report, register, and be photographed annually to report, register, and be photographed during a time determined by the local law enforcement authority.

**Effective Date:** July 1, 2009.

**Explanation of State Expenditures:** (Revised) *Penalty Provision:* The legislation changes the time frame in which a sexually violent predator is required to register with a local law enforcement authority from at least one time per calendar year to annually and during a time determined by the local law enforcement authority. Failing to register as a sexually violent predator is considered a Class D felony.

A Class D felony is punishable by a prison term ranging from six months to three years or reduction to Class A misdemeanor depending upon mitigating and aggravating circumstances. Assuming offenders can be housed in existing facilities with no additional staff, the marginal cost for medical care, food, and clothing is approximately \$1,825 annually, or \$5 daily, per prisoner. However, any additional expenditures are likely to be small. The average length of stay in DOC facilities for all Class D felony offenders is approximately ten months.

**Explanation of State Revenues:** *Penalty Provision:* If additional court cases occur and fines are collected, revenue to both the Common School Fund (from criminal fines) and the state General Fund (from court fees) would increase. The maximum fine for a Class D felony is \$10,000. However, any additional revenues would likely be small.

**Explanation of Local Expenditures:** (Revised) Under the bill, local law enforcement authorities will be required to both create a registration time frame and communicate registration time frame changes to offenders. The process by which local law enforcement authorities will determine registration time frames and communicate changes is not known but may vary across jurisdictions. Increases in workload will depend on (1) the number of offenders in a jurisdiction that are required to register by law, (2) how local law enforcement communicates changes in the registration time frame to offenders, and (3) the process used by local law enforcement authorities to establish registration time frames.

*Penalty Provision:* If more defendants are detained in county jails prior to their court hearings, local expenditures for jail operations may increase. However, any additional expenditures would likely be small.

**Explanation of Local Revenues:** *Penalty Provision:* If additional court actions occur and a guilty verdict is entered, local governments would receive revenue from court fees. However, the amounts would likely be small.

**State Agencies Affected:** DOC.

**Local Agencies Affected:** Trial courts, local law enforcement agencies.

**Information Sources:**

**Fiscal Analyst:** Bill Brumbach, 232-9559.